

SECOND REGULAR SESSION

HOUSE BILL NO. 1969

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHNEIDER (Sponsor), CROSS, NASHEED, HAMPTON,
FRAKER, REDMON AND MCGHEE (Co-sponsors).

6240L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to sewerage and water services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 250.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 250.140, to read as follows:

250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247 rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247 for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service[]; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county, until January 1, 2007, when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 due for more than one hundred twenty days of service, and after January 1, 2007, when an
18 occupant is delinquent more than ninety days the owner shall not be liable for sums due for more
19 than ninety days]. Any notice of termination of service shall be sent to both the occupant and
20 owner of the premises receiving such service.

21 3. The provisions of this section shall apply only to residences that have their own
22 private water and sewer lines. In instances where several residences share a common water or
23 sewer line, the owner of the real property upon which the residences sit shall be liable for water
24 and sewer expenses.

25 4. Notwithstanding any other provision of law to the contrary, any water provider **or**
26 **premises owner** who terminates service due to delinquency of payment by a consumer shall not
27 be liable for any civil or criminal damages **for termination of such service, nor shall it be**
28 **deemed constructive eviction or forcible entry and detainer.**

29 5. The provisions of this section shall not apply to unapplied-for utility services. As used
30 in this subsection, "unapplied-for utility services" means services requiring application by the
31 property owner and acceptance of such application by the utility prior to the establishment of an
32 account. The property owner is billed directly for the services provided, and as a result, any
33 delinquent payment of a bill becomes the responsibility of the property owner rather than the
34 occupant.

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